

AP12 Rec'd PCT/PTO 14 SEP 2007

**Bayer HealthCare  
Pharmaceuticals**

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**FAX**

**To: MAIL STOP PCT - US PATENT AND TRADEMARK OFFICE**

**Fax: (571) 273-8300**

**Number of Pages: 10 (including this cover)**

**Date: 14 September 2007**

**From: William F. Gray**

**Fax: (203) 812-6459**

**Phone: (203) 812-2712**

**E-mail: william.gray.b@bayer.com**

**Re: US Application Serial No.: 10/586,501**

**Filing Date: 14 July 2006**

**Title: 6-Amino-5-Cyano-Pyrimidine-4-Ones Used for Improving Perception,  
Power of Concentration, Learning Efficiency, and/or Memory Power**

**Attorney Docket No.: BHC 031050**

**Art Unit:**

**Examiner:**

**Message:**

Attached are the following documents in connection with prosecution of this application:

- ☒ Response to Notification of Missing Requirements Under 35 U.S.C. 371
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States  
Designated/Elected Office (DO/EO/US)
- ☒ Declaration of the inventors
- ☒ Transmittal form
- ☒ Petition for Extension of Time
- ☐ Fee Transmittal Form

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/586,501
	Filing Date	14 July 2006
	First Named Inventor	Martin Hendrix
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	9	Attorney Docket Number BHC 031050

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <b>Copy of Notice of Missing Requirements</b> </div>
<div style="border: 1px solid black; padding: 5px; margin-top: 5px;">             Remarks           </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Bayer Pharmaceuticals Corporation	Customer No.:	35969
Signature	<i>William F. Gray</i>		
Printed name	William F. Gray		
Date	14 September 2007	Reg. No.	31018

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>William F. Gray</i>		
Typed or printed name	William F. Gray	Date	14 September 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Attorney Docket No. BHC 031050

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No.: PCT/EP04/14872

International Filing Date: 12/31/2004

U.S. Application No.: 10/586,501

First Named Inventor: Martin Hendrix

Title: 6-Amino-5-Cyano-Pyrimidine-4-Ones used for Improving Perception, Power of Concentration, Learning Efficiency, and/or Memory Power

## CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: 14 September 2007

*William F. Gray*  
William F. Gray

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 17 April 2007. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**ADDITIONAL CLAIMS FEES**

Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. This amount accompanies this response.

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))  
\$130.00.

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## EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for 3 months.

Fee \$1020

If an additional extension of time is required, please consider this a petition therefor.

## TOTAL FEE DUE

The total fee due is:

Completion fees	\$130.00
Additional claim fees	\$360
Extension fee (if any)	<u>\$1020</u>
Total Fee Due	\$1510

## METHOD OF PAYMENT

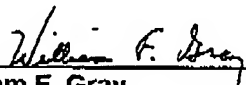
The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$1510 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: 14 September 2007

Registration No.: 31018

Phone: (203) 812-2712

  
\_\_\_\_\_  
William F. Gray  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

09/21/2007 MKAYPAGH 00000096 133372 10586501

01 FC:1616 360.00 DA  
02 FC:1617 130.00 DA

09/21/2007 MKAYPAGH 00000096 133372 10586501

03 FC:1253 1020.00 DA

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,501	Martin Hendrix	BHC 031050

INTERNATIONAL APPLICATION NO.

PCT/EP04/14872

I.A. FILING DATE	PRIORITY DATE
12/31/2004	01/14/2004

35969  
JEFFREY M. GREENMAN  
BAYER PHARMACEUTICALS CORPORATION  
400 MORGAN LANE  
WEST HAVEN, CT 06516

CONFIRMATION NO. 4479

371 FORMALITIES LETTER

\*OC000000023398719\*

Date Mailed: 04/17/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elect Office (37 CFR 1.495).

- Copy of the International application filed on 07/14/2006
- English Translation of the IA filed on 07/14/2006
- Copy of the International Search Report filed on 07/14/2006
- Preliminary Amendments filed on 07/14/2006
- Information Disclosure Statements filed on 07/14/2006
- Request for Immediate Examination filed on 07/14/2006
- U.S. Basic National Fees filed on 07/14/2006
- Priority Documents filed on 07/14/2006
- Specification filed on 07/14/2006
- Claims filed on 07/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

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- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 360**
  - **\$360** for multiple dependent claim surcharge.

(A previous payment of **\$200** will be applied to the additional fees indicated above.)**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,501	PCT/EP04/14872	BHC 031050

FORM PCT/DO/EO/905 (371 Formalities Notice)